

IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO

STATE OF OHIO,	:	APPEAL NO. C-120296
	:	TRIAL NO. B-1107771-A
Plaintiff-Appellee,	:	
vs.	:	<i>JUDGMENT ENTRY.</i>
JORDAN MERK,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* S.Ct.R.Rep.Op. 2; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Jordan Merk appeals his convictions for three counts of aggravated robbery with one firearm specification and one count of kidnapping with a firearm specification. We conclude that his assignment of error does not have merit, so we affirm the judgment of the trial court.

Merk was indicted for three counts of aggravated robbery, one count of aggravated robbery with firearm specifications, four counts of robbery, one count of felonious assault, four counts of kidnapping, and two counts of kidnapping with firearm specifications. He pleaded guilty to three counts of aggravated robbery with one firearm specification and one count of kidnapping with a firearm specification. Following a sentencing hearing, the trial court sentenced him to three years on each of the aggravated-robbery counts and three years for the firearm specification, and three years for the kidnapping conviction with three years for the firearm

specification. The sentences were consecutive, for an aggregate term of 18 years' incarceration.

In his sole assignment of error, Merk asserts that the trial court erred when it imposed the 18-year sentence. Our review of Merk's sentences has two parts. First, we must determine whether the sentences were contrary to law. *State v. Kalish*, 120 Ohio St.3d 23, 2008-Ohio-4912, 896 N.E.2d 124, ¶ 14. Then, if the sentences were not contrary to law, we must review the sentences to determine whether the trial court abused its discretion. *Id.* at ¶ 17.

Merk does not dispute that his sentences were within the applicable statutory range. He does, however, take issue with the court's imposition of consecutive sentences. "[A] reviewing court may vacate consecutive sentences only if 'it clearly and convincingly finds' either that the record does not support the trial court's R.C. 2929.14(C)(4) sentencing findings or that the sentence is otherwise contrary to law." *State v. Alexander*, 1st Dist. Nos. C-110828 and C-110829, 2012-Ohio-3349, ¶ 14; R.C. 2953.08(G)(2). We conclude that the factors cited by the trial court in imposing the consecutive sentences were supported by the record. *See* R.C. 2929.14(C). And having reviewed the record, we are unable to conclude that the sentences were an abuse of discretion. *Kalish* at ¶ 17. The sole assignment of error is without merit.

Therefore, we affirm the trial court's judgment.

A certified copy of this judgment entry is the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

SUNDERMANN, P.J., DINKELACKER and FISCHER, JJ.

To the clerk:

Enter upon the journal of the court on September 26, 2012
per order of the court _____.

Presiding Judge